

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) NO.234 OF 2019
WITH
NOTICE OF MOTION (L) NO.502 OF 2019**

Vishwas Pandurang Shinde	...	Appellant
versus		
Manish Mahal Co-operative Housing Society and Anr.	...	Respondents

Mr. A.A.Siddiquie i/by A.A.Siddiquie and Associates, for Appellant.
Dr. K.K.Khanna, for Respondents.

**CORAM: AKIL KURESHI &
 S.J. KATHAWALLA, JJ.**

DATE: 21st JUNE, 2019

P.C.:

1. The Appellant has challenged the order dated 18th April, 2019 passed by the learned Single Judge in Execution Application No.1551 of 2012. Under an order dated 17th October, 2013 the present Appellant was asked to pay 50% of the principal amount as decreed by the Co-operative Court, upon which the execution of the decree would stand stayed. This order is continued from time to time. The Appellant has also deposited certain amounts piecemeal. According to the Respondents, however, the total did not satisfy the requirement of 50% of the decretal amount. When the issue reached this Court in Execution Application No.1551 of 2012, the impugned order came to be passed. As per the said order, the Appellant is required to deposit a further sum of Rs.4.40 Lakhs, upon which the order staying execution would

continue.

2. After hearing learned Counsel for the Appellant for some time, he stated that some time may be given to deposit such sum. He undertook to deposit the amount within one month from today. We accept his assurance and undertaking. The Appellant would have time of one month from today to deposit the said sum before this Court upon which it would be open to the Respondents to withdraw the same. This shall be subject to the outcome of the main proceedings.

3. The Appeal and Notice of Motion are disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)